

HOUSE JOINT RESOLUTION 599

By Faison

A RESOLUTION urging Congress to adopt H.R. 3676 to ensure that United States citizens may not be detained against their will without all the Due Process rights guaranteed by the United States Constitution.

WHEREAS, on December 31, 2011, President Barack Obama signed into law the sweeping \$662 billion National Defense Authorization Act (NDAA), also known as the “Indefinite Detention Bill”; and

WHEREAS, in addition to providing the necessary funding to support our military forces for the 2012 calendar year, the legislation re-affirms the Authorization for Use of Military Force (AUMF), allowing the President and the Armed Forces to detain indefinitely any person who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or any person who has supported al-Qaeda, the Taliban, or associated forces; and

WHEREAS, by utilizing dangerously vague terminology and providing no exemptions, the NDAA allows even United States citizens, whether captured on American soil or abroad, to be held for an indefinite period of time without charge, trial, or any Due Process rights; and

WHEREAS, without the time-honored requirement of gathering and presenting evidence probative of illegal acts to an impartial judge, the decision of who is or is not a terrorist now rests solely in the hands of the Executive Branch, opening the door for an unprecedented abuse of power and effectively destabilizing the separation of powers system; and

WHEREAS, the President’s personal assurances that he would refrain from employing this vast and alarmingly arbitrary authority in a New Year’s Eve signing statement, provided cold comfort to a concerned nation; and

WHEREAS, listening to the pleas of countless patriots all across the land, Congressman Phil Roe of Tennessee’s First District, among others, wisely responded by sponsoring H.R.

3676, which would specifically exempt United States citizens from being detained without a trial or the Due Process rights guaranteed by the Constitution of the United States; and

WHEREAS, while it is imperative that the Commander in Chief possess the resources necessary to protect and defend the home front, the National Defense Authorization Act simply goes too far; and

WHEREAS, the Fifth Amendment to the United States Constitution clearly prohibits Congress from depriving any person of “life, liberty, or property, without due process of law,” and the Sixth Amendment expressly guarantees an accused individual the right to a trial, as well as the assistance of counsel; and

WHEREAS, understanding the temptation to surrender our most cherished liberties during the course of war, James Madison, the father of our Constitution, warned, “The means of defense against foreign danger have historically become instruments of tyranny at home”; and

WHEREAS, by entrusting the government with the ability to indefinitely detain American citizens without the burden of proving its case to an independent judge and jury, the National Defense Authorization Act not only places Americans in jeopardy, but it also denigrates the very foundations of our country and undermines the fabric of a free society; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that we hereby urge the United States Congress to enact H.R. 3676 of the 112th Congress, ensuring that citizens of the United States cannot be held against their will without all of the Due Process rights guaranteed by the United States Constitution.

BE IT FURTHER RESOLVED, that we acknowledge and applaud Congressman Roe and his noble efforts to restore our Constitutional freedoms.

BE IT FURTHER RESOLVED, that an enrolled copy of this resolution be transmitted to the Speaker and the Clerk of the U.S. House of Representatives, the President and the Secretary of the U.S. Senate, and to each member of Tennessee's Congressional delegation.